

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**MARK JAMES**

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**PLAINTIFF**

**v.**

**Civil No. 1:19cv853-HSO-JCG**

**MEGAN J. BRENNAN, *Postmaster*  
*General United States Postal Service*  
*Southern Area Agency, et al.***

**DEFENDANTS**

**ORDER OF DISMISSAL WITHOUT PREJUDICE**

This matter is before the Court sua sponte for case management purposes. Based upon the record and relevant legal authority, and for the reasons that follow, this matter will be dismissed without prejudice.

**I. BACKGROUND**

Plaintiff initiated this civil action on November 12, 2019, by filing a Complaint [1] along with an Application [2] to Proceed in District Court Without Prepaying Fees or Costs. On March 25, 2020, the Court entered an Order [5] denying Plaintiff's Application [2] and requiring Plaintiff to pay the \$400.00 civil filing fee to the Clerk of Court on or before April 24, 2020. See Order [5] at 3. The Court cautioned Plaintiff that, if he failed to pay the \$400.00 civil filing fee by that date, this civil action may be dismissed without prejudice for Plaintiff's failure to prosecute and to abide by the Court's Orders, without further notice to him. *Id.*



To date, Plaintiff has not paid the civil filing fee, and since the Court entered its Order [5], Plaintiff has not filed anything further in this case.

## II. DISCUSSION

The Court has the authority to dismiss an action for a plaintiff's failure to prosecute or to obey a Court order under Rule 41(b) of the Federal Rules of Civil Procedure and under the Court's inherent authority to dismiss the action sua sponte. *Link v. Wabash R.R.*, 370 U.S. 626, 630-31 (1962). The Court must be able to clear its calendars of cases that remain dormant because of the inaction or dilatoriness of the parties seeking relief, so as to achieve the orderly and expeditious disposition of cases. Such a sanction is necessary in order to prevent undue delays in the disposition of pending cases and to avoid congestion in the calendars of the Court. *Id.* at 629-30.

The Court warned Plaintiff that failure to pay the required filing fee by the Court's deadline may result in this case being dismissed without prejudice, without further notice to him. *See* Order [5] at 3. Plaintiff has failed to comply with the Court's Order [5] and has not paid the civil filing fee. Nor has Plaintiff filed anything of record in this case since entry of that Order [5]. It is apparent from the record that Plaintiff lacks interest in pursuing this case.

## III. CONCLUSION

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that, this case is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute and for failure to



obey an Order of the Court. A separate final judgment will be entered pursuant to Federal Rule of Civil Procedure 58.

**SO ORDERED AND ADJUDGED**, this the 7<sup>th</sup> day of July, 2020.

*s/ Halil Suleyman Ozerden*

HALIL SULEYMAN OZERDEN  
UNITED STATES DISTRICT JUDGE